

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN RADOSEVICH,

Plaintiff,

v.

No. 19-cv-0585 KWR/SMV

**STATE OF NEW MEXICO, SUSANA MARTINEZ,
DAVID JABLONSKI, KARL GIBSON, and
LOUIS E. DEPAULI,**

Defendants.

**ORDER GRANTING LEAVE TO PROCEED
PURSUANT TO 28 U.S.C. § 1915(b)
AND TO MAKE PAYMENTS OR SHOW CAUSE**

THIS MATTER is before the Court on Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs [Doc. 2] and Plaintiff's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 [Doc. 3]. Based on analysis of his Application and the inmate account statement [Doc. 2], the Court grants Plaintiff leave to proceed under 28 U.S.C. § 1915(a) and (b). Because the Court grants the Application, the filing fee for this civil-rights Complaint is \$350. Pursuant to § 1915(b)(1), Plaintiff is required to make installment payments until the full amount of the filing fee is paid. Based on analysis under § 1915(b)(1) of Plaintiff's inmate account statement, [Doc. 2] at 3–4, the Court finds that Plaintiff owes an initial partial payment of \$41.33. *See* 28 U.S.C. § 1915(b)(1) (2018). If Plaintiff fails to make a payment by the designated deadline or show cause why such payment should be excused, the civil-rights Complaint may be dismissed without further notice.

IT IS THEREFORE ORDERED that Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs [Doc. 2] and Plaintiff's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 [Doc. 3] are **GRANTED**;

IT IS FURTHER ORDERED that, no later than **February 12, 2020**, Plaintiff send to the Clerk an initial partial payment of \$41.33 or show cause why payment should be excused;

IT IS FURTHER ORDERED that the Clerk is directed to provide Plaintiff with two copies of this Order, and that Plaintiff make the necessary arrangements to attach one copy of this Order to the check in the \$41.33 amount of the initial partial payment; and

IT IS FINALLY ORDERED that, after payment of the \$41.33 initial partial fee, Plaintiff make monthly payments of 20% of the preceding month's income credited to his account or show cause why the designated payments should be excused.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge